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March 22, 2016

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Re: *Rasby v. Pillen*

Dear Counsel:

This letter is in response to your objection to our subpoena of the outside accountant for the Pillen entities. One of the issues that has been raised in the litigation is that Pillen informed Ms. Rasby that one of the reasons he was ceasing distributions is that he intended to take any profits from the entities Ms. Rasby had an interest in and put them into development of the other entities. We are entitled to see the records of those entities to see the ongoing allocations of expenses among all the entities and whether Mr. Pillen has acted on the representations made to Ms. Rasby in the process of forcing her to sell her interests.

In addition, the wording of our subpoena was copied directly from your subpoena to Ms. Rasby's accountant. Please withdraw your objection to our subpoena so that we do not have to bother Judge Thalken with this dispute.


At the beginning of this lawsuit we were informed that Mr. Pillen wanted very short deadlines because he "wanted to get this over with." Despite this stated goal, he has resisted every discovery request and done as much as possible to avoid his discovery responsibilities. We are

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not going to go away just because it is difficult to obtain discovery. If he does want this to reach a prompt conclusion and has nothing to hide, he should be willing to respond to our requests.

I have reviewed the documents produced to date. We have reason to believe there are many communications between Mr. Pillen and Ms. Rasby that have not been produced. Please ask your client to review his files and produce relevant emails and any other communications.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Vogt", with a stylized flourish at the end.

Diana J. Vogt  
For the Firm